

**DECLARATION AND POWER OF ATTORNEY FOR
UTILITY OR DESIGN PATENT APPLICATION
(37 CFR 1.63)**



As the below named inventors, We hereby declare that:

Our residences, post office addresses and citizenship are as stated below under our names.

We believe that we are the original and first inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled **NOVEL SPECIALLY CONFIGURED LIP/CHEEK PULSE OXIMETER/PHOTOPLETHYSMOGRAPHY PROBES, SELECTIVELY WITH SAMPLER FOR CAPNOGRAPHY, AND COVERING SLEEVES FOR SAME**, and application for which was filed in the U. S. Patent and Trademark Office on January 2, 2004, and assigned Serial No. 10/751,308.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Sec. 1.56(a).

We hereby claim foreign priority benefits under Title 35, United States Code, Sec. 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>

We hereby claim the benefit under Title 35, United State Code, Sec. 120 of any United States application listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in any prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Sec. 112. We acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Sec. 1.56(a), which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Status (Patented, Pending, Abandoned)
10/176,310	June 20, 2002	Pending
PCT/US03/19294	June 19, 2003	Pending

We hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Name	Registration Number	Name	Registration Number
Robert L. Wolter	36,972	Enrique J. Mora	36,875
James H. Beusse	27,115	Norman A. Nixon	33,573

David G. Maire	34,865	Terry M. Sanks	45,069
Christine Q. McLeod	36,213	William D. Sartor	50,560
Timothy Van Dyke	43,218	Joseph Fischer	51,210
John L. DeAngelis, Jr.	30,622		

Please address all correspondence regarding this application to:

Name	Timothy H. Van Dyke				
Address	Beusse Brownlee Wolter Mora & Maire, P.A.				
Address	390 North Orange Avenue, Suite 2500				
City	Orlando	State	FL	Zip	32801
Country	US	Telephone	(407) 926-7723	Fax	(407) 926-7720

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Sec. 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FIRST INVENTOR: Richard J. Melker

INVENTOR'S SIGNATURE _____

DATE: _____

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SECOND INVENTOR: Joachim S. Gravenstein

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THIRD INVENTOR: George Worley

INVENTOR'S SIGNATURE

George Worley

DATE:

5/24/04

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